



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS

**Tuesday, August 21, 2012 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA**

I. Hearing – Connect to Sewer (Cont):

30 Thornton Drive – Commercial units, Barnstable

Owners:

A. William and Rita Amaral	1 Unit	Map/Parcel 296-008-00A
B. Richard Fleming	2 Units	Map/Parcel 296-008-00B & 00C
C. Bert Mosher	1 Unit	Map/Parcel 296-008-00D
D. Michael Michnay	2 Units	Map/Parcel 296-008-00E & 00F

CONTINUED TO A FUTURE DATE.

Richard Fleming was the only owner present.

Dr. Miller will ask the Town Attorney whether we can get a letter from the town stating Mr. Fleming will not be held responsible for hooking up the other units, if he hooks up his own unit. With this, Rick would be willing to hook up immediately. Further progress will be needed from the other owners.

II. Variance – Housing:

Kate Mitchell, Esquire, representing John and Catherine Nugnes, Richard and Dianne Nickerson, owners – 32 Millrace Road, Marstons Mills, Map/Parcel 047-143, 0.51 acre lot, basement ceiling height-80 inches.

Approved With Conditions.

Attorney Kate Mitchell was present and explained the living quarters in the basement was originally built as a family apartment. It was never rented out and has a ceiling height of only 76 inches with a false ceiling. With the false ceiling removed, the ceiling will reach 80 inches. She also mentioned the State Code has recently been lowered to 80 inches.

The Board voted to grant a variance based upon increasing the basement ceiling height to 80 inch and with the condition that the basement living area meets the Building Codes for proper egress.

III. Variance – Septic (New):

- A. Steve Wilson, Baxter Nye Engineering, representing Barbara Rosiello, owner – 60 Winfield Lane, Osterville, Map/Parcel 116-101, 1.05 acre parcel, multiple variances, house renovations, failed septic.

CONTINUED TO SEPT 18, 2012:

The coastal bank variance will be added to the request and the type error showing the percolation rate as two different measurements will be corrected. Matthew Eddy, Baxter, Nye, will try to adjust the plan to permit 50 feet setback of the leaching system to the wetlands. If not possible, the Board is interested in an I/A system.

- B. Arlene Wilson, AM Wilson Associates, representing Robin Brown, owner – 250 Smoke Valley Road, Osterville, Map/Parcel 097-002, 5.8 acre parcel, setback variance of tank from BVW.

Approved With Conditions.

The Board voted to approve with the following conditions: the plan is revised to list the variance(s) requested on the plan itself.

- C. Edward Stone, EAS Survey, representing Edward Lennon, EK Properties, LLC - 19 Old Stage Road (house in rear), Centerville, Map/Parcel 208-155, 0.26 acre lot, repair of failed septic, setback variances.

Approved With Conditions.

The Board voted to approve the septic and Mr. Lennon will work with Mr. McKean to straighten out how many people can sleep in the third bedroom which has limited square footage of ceiling which meets code.

- D. Peter Sullivan, Sullivan Engineering, representing Michael Barnfield, owner – 233 Bay Lane, Centerville, Map/Parcel 166-056, 0.46 acre lot, multiple variances, repair to septic system.

Approved With Conditions.

The Board voted to approve with the following conditions: 1) add the surveyor's stamp to the plan, 2) add the standard quarterly maintenance plan for a two year period with a review at the end of that period, and 3) if a de-watered test can be performed, and if it does prove favorable, then the Board will allow a change in the plan to decrease the mound of the system from 3 ½ feet to a 2 ½ feet - otherwise, it will remain as proposed on plan submitted 8/21/12.

- E. Peter Sullivan, Sullivan Engineering, representing Cape Cod Oyster Company, to request confirmation of proposed design flow.

CONTINUED TO A FUTURE DATE.

Mr. Sullivan has flow rates from the current property. So the big issue is to make sure it doesn't count towards nitrogen loading (bedroom count). Mr. Sullivan said the classification of the waste is difficult to clarify - it may be more a category in the "miscellaneous" industrial.

The Board was happy to have the current flow rates of the business to reference. Dr. Miller believes it does not classify as nitrogen loading but would like to check with Brian Dudley first, then if all approved, the Board believes Mr. Sullivan's method of calculating the size of system would be a good method. Mr. McKean will get back to Peter after speaking with Brian Dudley.

- F. Steven J. Pizzuti, Esquire, and John Holmgren, J.K. Holmgren Engineering representing Cummaquid Golf Course, owner – 35 Marstons Lane, Barnstable, Map/Parcel 350-001, 110.62 acre parcel, requesting Board support for a DEP appeal for a reduction in the design flow.

POSTPONED UNTIL SEPTEMBER 18, 2012.

IV. Food Variance (New):

Robert French, owner, Arnold Bakery Outlet – 163 Barnstable Road, Hyannis, toilet facility variance.

APPROVED WITH THE SAME CONDITIONS AS PRIOR OWNER.

Will have responsibility for upkeep of cleaning toilet facility.

V. Informal Discussion:

Wayne Hyman, owner, Craigville General Store – 628 Craigville Beach Road, Centerville, Map/Parcel 246-028, food variance – to allow selling local sandwiches.

Wimpy's is responsible for getting a Wholesale License in order for Wimpy's to sell the product for re-sale to Craigville General Store. The volume of sales expected by Craigville General Store (~40 sandwiches/day) would be small enough to not require the nutritional value to be listed on the package.

To continue selling Wimpy's sandwiches through the Craigville General Store, Wimpy's would need to get a Wholesalers License.

VI. Temporary Food Events:

- A. Brian Teaman of "To Taste", for the event "Farm to Table of Cape Cod" at Osterville Historical Museum, 155 West Bay Road, Osterville, weekly on Fridays, August 24 – October, 2012.

NOT GRANTED – Temporary Food Permit not granted. (See comments below regarding catering).

The following topics were discussed: what qualifies for temporary food event, what qualifies as a catered event, and a full preparation of food requires a commercial kitchen.

As long as Mr. Teaman is only re-heating and/or bringing the food/meats up to temperature at the Osterville Historical Society's Boathouse, then he can supply us with catering notices for the events. Once he starts preparing foods from start to finish there, it is not a catered event.

Brian Teaman said that KAM appliances is donating the appliances to him to use at the events. The Board suggested the easiest resolution would be to have our Health Inspector approve a commercial kitchen there and it would eliminate the other issues.

Adjourned.